

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 401 - SB 559

February 20, 2011

SUMMARY OF BILL: Creates, subject to requirements of the United States and Tennessee Constitutions, a good faith exception to the exclusionary rule for searches and seizures in state court prosecutions. Maintains any existing civil remedy for illegal searches and seizures not covered by the good faith exception.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumption:

- The Tennessee Supreme Court does not recognize a good faith exception to the exclusionary rule under the Tennessee Constitution. *State v. Carter*, 16 S.W.3d 762, 768 n.8 (Tenn. 2000). This bill is expressly subject to federal and state constitutional limitations. Since under Tennessee Supreme Court precedent the exclusionary rule is a constitutionally implied limitation, statutory enactment of a good faith exception will have no impact on prosecution or adjudication of criminal cases.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White".

James W. White, Executive Director

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